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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,454	12/04/2001	Achim Breuer	32368-174691	9210

7590 07/25/2006

VENABLE
Post Office Box 34385
Washington, DC 20043-9998

EXAMINER

SENGI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/000,454	Applicant(s) BREUER ET AL.	
	Examiner Behrooz Senfi	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 6/13/2006 have been fully considered but they are not persuasive.

Response to remarks:

Applicant asserts (remarks, page 8, lines 1 – 2, and also the last two lines of the page) that Shofner does not disclose or suggest “a closed circuit to control and optimize at least one of speed and friction parameters of at least one of the plurality of roll assemblies” as newly added.

In response: Shofner '145 teaches, a closed circuit (figs. 8 - 9), including cameras 130 and 132, controller 140, which includes readout electronics 162, and speed detector roller 168, which provides speed information through readout electronics to the computer system 144, wherein the electronic machine control device 140, uses these information from the electronic image evaluation processor received from the imaging device 130 and sensor to monitor and control the speed of the web (note that, speed of the web is a function of the speed of the roller 168 and vice versa speed of the roller 168 is a function of the speed of the web, which are being monitored) on a continuous basis in order to optimally control them for the purpose of increasing accuracy and/or increasing the amount of information obtained (col. 8, lines lines 54 – 57), the whole process is equivalent to optimization for the purpose of increasing the accuracy.

Applicant asserts (remarks, page 9, lines 1 – 3) that Jornot does not disclose or suggest “a closed circuit, including the electronic machine control device and the

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electronic image evaluating unit, wherein the electronic machine control device utilizes results of the electronic image evaluating unit via the closed circuit to control and optimize at least one of speed and friction parameters of at least one of the plurality of roll assemblies”.

In response, with respect to applicant's argument; it is noted that, for the above subject matter examiner relied on Shofner '145 patent, as discussed in the above action.

Applicant arguments (remarks, page 9, last paragraph) is a repeated arguments, which have been addressed previously in the above action. In view of the above claims 1 – 5, 7 – 8 and 10 – 16 are finally rejected for the same reason as set forth in the last office action, dated 03/13/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shofner et al (US 5,533,145) in view of Jornet et al (US 5,394,591) further in view of Jung et al (US 4,575,065).

Regarding claim 17, combination of Shofner and Jornet teach, a closed circuit (Shofner, figs. 8 - 9), including cameras 130 and 132, controller 140, which includes readout electronics 162, and speed detector roller 168, which provides speed

information through readout electronics to the computer system 144, and sliver guide (Shofner, fig. 6) and wherein the electronic machine control device 140, uses these information from the electronic image evaluation processor received from the imaging device 130 and sensor to monitor and control the speed of the web (note that, speed of the web is a function of the speed of the roller 168 and vice verses speed of the roller 168 is a function of the speed of the web, which are being monitored) on a continuous basis in order to optimally control them for the purpose of increasing accuracy and/or increasing the amount of information obtained (Shofner, col. 8, lines 54 – 57).

Shofner '145 is silent in regards to, light transmitting window.

Jung '065 in the same field (i.e. col. 10, lines 19 – 30) teaches window for transmitting light of an optical barrier.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to improve the web system of Shofner in accordance with the teaching of Jung by providing a window for transmitting light to provide an improved automatic web machine, as taught by Jung (col. 3, lines 58 – 60).

Regarding claim 18, combination of Shofner and Jung teaches, electronic camera (Shofner, fig. 8, cameras 132 and 130). But fails to show camera is directed toward the top light-transmitting window. However with respect to combination teaching of Shofner and Jung, having a camera directed toward the top light-transmitting window consider as an obvious design choice.

Regarding claims 19 - 20, combination of although Shofner and Jung is silent in regards to light emitting diode. However, examiner takes Official Notice, to note that the

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light emitting diode is well known and used in the prior art of the records for illumination purpose. Therefore, it would have been obvious to one having ordinary skill in the art to implement such teachings, as they are so well known in the prior art of the record, as source for providing the light.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000**.

B. M. S.

7/19/2006

Mehrdad Dastouri
MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600